

REMARKS

Claims 1, 4-7, 10-13 and 15-25 are currently pending in this application. Please consider the preceding amendments and the following remarks.

The Rejections

Claims 1, 4-7, 10-13, 15, 16, 21 and 23 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,953,392 to Rhie et al. (hereafter "Rhie") in view of U.S. Patent No. 5,455,854 to Dilts et al. (hereafter "Dilts"). Claims 17-20 were rejected under 35 U.S.C. 102(e) as being anticipated by Rhie. Claim 25 was rejected under 35 U.S.C. 103(a) as being unpatentable over Rhie in view of Dilts.

The Cited Art

Rhie teaches method for accessing and browsing the Internet through the use of a telephone and the associated DTMF signals. The preferred embodiment provides a system that converts the information content of a web page from text to speech (voice signals), signals the hyperlink selections of a web page in an audio manner, and allows selection of the hyperlinks through the use of DTMF signals generated from a telephone keypad. Upon receiving a DTMF signal corresponding to a hyperlink, the corresponding web page is fetched and again delivered to the user via one of the available delivery methods such as voice, fax-on-demand, electronic mail, or regular mail.

Dilts teaches a method and system for enabling a set of object interface application elements and telephony system elements. Particular objects may be chosen depending on which elements of the telephony system will need to be interfaced. A particular object is capable of interfacing with one or more elements of the telephony system. The elements of the telephony system may be any identifiable aspect of the telephony system. For example, the objects could represent a handset or a line. Less tangible elements can also be represented, such as signals or procedures, including call progress tones, call setup, call hold, conference calls, or other call features.

The Cited Art Distinguished

It is noted that Rhie can only be considered prior art under 35 U.S.C. § 102(e). Applicant reserves the right to swear behind Rhie at a future time, but does not believe that it is necessary to do so, as set forth below.

With respect to claim 1, Rhie does not teach a combination including a speech recognition system which is responsive to spoken commands from telephone users. Rhie's only disclosure is that of text-to-speech technology which can read text to a telephone user. There is no disclosure of the ability to recognize speech commands of a telephone user for the purpose, for example, of navigating among web pages.

The Examiner attempts to cure the deficiencies of Rhie with the rather sketchy disclosure of Dilts that voice recognition could be used to give commands to a computer. As noted previously, Dilts teaches an object oriented operating system which could form the foundation or API for telephony applications. For example, in column 10, lines 22-23, Dilts discloses:

The present invention has been designed to empower application writers to blaze new trails in all three areas.

Dilts mentions, without any enablement, a number of areas for which the object oriented telephony system could be used, but leaves the implementation for others to invent. For example, he mentions remote access, interactive voice response, collaboration, and cheap video phone, but only as future possibilities for inventions to be built upon the foundation of his object oriented telephony system.

With respect to remote access, he poses a number of questions, as follows:

So what if you're at the airport and you realize you forgot to bring the address of the customer site you are going to visit? What if you arrive at your destination to find that the airline has lost your modem along with the rest of your luggage? What if you can't afford to buy a second computer? (Dilts, Col. 9, lines 13-18).

Dilts is clearly just throwing out ideas as an invention brainstorming exercise, rather than providing any enabling disclosure as to a voice recognition system on a computer.

Essentially Dilts is doing no more than suggesting that voice recognition could be used to control a "computer desktop." There is no enablement for this and, in fact, researchers are still struggling with this problem over a decade after the filing date of Dilts. More importantly, there is no suggestion that Dilts ever considered the even more complex problem of voice control of an access computer to obtain data from other computers over a network. Rhie, which had a filing date years later than Dilts, did not consider using voice control of its access computer for this purpose. It is fundamentally different to use voice control on a computer than to use voice control on an access computer to obtain data from other computers over a network.

For at least the foregoing reason, Applicant traverses the Examiner's rejection of claim 1 and claims 4-6 dependent thereupon, and respectfully requests that the rejection be withdrawn.

With regards to claim 7, neither Rhie nor Dilts teach a system that will provide an initial verbal communication to a user including at least providing a plurality of options including navigating the World Wide Web and e-mail functionality. That is, Rhie only allows access to the World Wide Web, and does not provide an initial verbal communication allowing access to other systems, such as an e-mail system. In fact, Rhie's only comment concerning e-mail was that it could be used to send a page to a user, upon request. Nowhere does Rhie contemplate that anything other than the World Wide Web could be accessed and navigated by a telephone user. As noted above, Dilts does not cure this deficiency. For at least the foregoing reasons, Applicant traverses the Examiner's rejection of claim 7 and claims 10-12 dependent thereupon, and respectfully requests that the rejection be withdrawn.

Additionally, with respect to claims 10 and 11, nowhere does Rhie or Dilts teach that e-mail can be sent to others or received from others via his system. The only other even tangentially related disclosure of Rhie is that e-mail can be used as an alternative form of delivery of web pages to the user's e-mail address. Other alternative forms of delivery include facsimile transmissions and mailed copies of web pages that are sent

to the user. Therefore, the rejections of claims 10 and 11 should be withdrawn for at least this reason, as well.

Still further, with respect to claim 11, nowhere does Rhie or Dilts teach that a web page can be created via a telephone interface. This astonishingly novel capability of Applicant's claimed invention is not even hinted at anywhere in Rhie's disclosure. Applicant therefore respectfully requests that the rejection of claim 11 be withdrawn for this reason as well.

Claim 13 is also patentable over Rhie and Dilts for at least the same reasons as set forth above. Nowhere does Rhie or Dilts teach a means for making initial verbal contacts with a plurality of telephone users after implementing a connection. Furthermore, Rhie does not allow for voice commands, as he does not contemplate speech recognition. Dilts, as noted above, mentions voice recognition once, in passing, in his patent, and only with respect to a specified computer which has data in which he is interested, not to an access computer which derives data from other computers and servers over a network.

Finally, Applicant respectfully points out that claim 13 is in means-plus-function format and, as such, the Examiner must refer to the specification of the application for each means element to determine its structure the equivalents thereof. A sweeping rejection based simply on the functionality of the means elements is improper. For at least these reasons, claim 13 and dependent claims 15-16 are clearly patentable over Rhie, and the Examiner is respectfully requested to withdraw his rejection of these claims.

Furthermore, claim 15 is patentable over Rhie and Dilts because neither Rhie nor Dilts teach providing a number of options to the user of his system as clearly set forth in Applicant's specification. As noted above with respect to claim 7, Rhie only allows access to the World Wide Web, and does not provide an initial verbal communication allowing access to other systems, such as an e-mail system. Claim 15 is therefore patentable for these reasons as well, and the rejection of claim 15 should be withdrawn.

Still further, claim 16 is patentable over Rhie and Dilts because neither Rhie nor Dilts teach that a web page can be created through at telephone interface. This was previously pointed out with respect to claim 11. Applicant considers this to be a completely unfathomable and unsustainable rejection. Applicant therefore respectfully requests that the rejection of claim 16 be withdrawn for this reason as well.

Claim 17 is also patentable over Rhie, in that Rhie does not teach the retrieving of e-mail that was sent over a TCP/IP network and the subsequent reading of the e-mail to the user utilizing a text-to-speech system. As noted with respect to claims 10 and 11, nowhere does Rhie teach that e-mail can be sent to received from others via his system. The only even tangentially related disclosure of Rhie is that e-mail can be used as an alternative form of delivery of web pages to the user's e-mail address. Other alternative forms of delivery include facsimile transmissions and letters. This was clearly pointed out in the previous amendment, and in precisely the same words. The repeat of the Examiner's previous rejection in view of the clear contrary evidence is again unfathomable to Applicant. The rejection of claim 17 and claims 18 and 19 dependent thereupon should be withdrawn.

Claim 20 is also patentable over Rhie as set forth above with respect to claim 17. Nowhere does Rhie teach or suggest that e-mail can be retrieved for a user and then read to a user in an automated fashion over the telephone. Furthermore, as with claim 13, this claim 20 is written in means-plus-function format and, as such, the Examiner must refer to the specification of the application for each means element to determine its structure the equivalents thereof. A rejection based simply on the functionality of the means elements is therefore improper. For at least these reasons, the rejection of claim 20 as being anticipated by Rhie is improper and should be withdrawn.

Claims 21 and 23 are dependent upon allowable base claims, and are patentable for at least the same reasons as set forth above. Applicant respectfully requests that the rejection of these claims be withdrawn as well.

The Objections

Claims 22 and 24 were objected to as being dependent upon a rejected base claim. These claims have been rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant respectfully requests that the objection be withdrawn.

Conclusion

All claims being patentable, the Examiner is requested to withdraw all rejections of the claims and to allow the case to issue. If in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is encouraged to call the undersigned at (650) 838-4443.

Respectfully submitted,
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Date: October 21, 2003

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